Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554



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| In the Matter of | ) | |
| | ) | |
| Rulemaking to Amend Parts 1, 2, 21, and 25 | ) | |
| of the Commission's Rules to Redesignate | ) | |
| the 27.5-29.5 GHz Frequency Band, to | ) | CC Docket No. 92-297 |
| Reallocate the 29.5-30.0 GHz Frequency | ) | |
| Band, to Establish Rules and Policies for | ) | |
| Local Multipoint Distribution Service and | ) | |
| for Fixed Satellite Service | ) | |



**COMMENTS OF LORAL/QUALCOMM PARTNERSHIP, L.P.**

Loral/QUALCOMM Partnership, L.P., ("LQP"), by its attorneys, hereby submits its comments with regard to the Commission's proposed redesignation of spectrum in the 27.5-29.5 GHz band, and its proposed reallocation of the 29.5-30.0 GHz band (Third Notice).[1] LQP has been licensed by the Commission to construct, launch and operate Globalstar, a 48-satellite non-geostationary mobile satellite system (MSS) for provision of voice, data and facsimile service throughout the world.[2] Pursuant to this license, LQP is authorized to construct, at its own risk, the Globalstar feeder uplinks in the 5 GHz band and feeder downlinks in the 6 GHz band. LQP's use of spectrum in the 5 and 6 GHz bands for its feeder links requires adoption of an allocation for MSS feeder links in these bands at the

[1] Third Notice of Proposed Rulemaking and Supplemental Tentative Decision, CC Docket No. 92-297, FCC 95-287, released July 28, 1995.

[2] Loral/QUALCOMM Partnership, L.P., 10 FCC Rcd 2333 (Int'l. Bur. 1995).

upcoming WRC-95.[3] Certain non-geostationary mobile satellite systems also propose to use the 5 and 6 GHz band while others propose using spectrum in other frequency ranges, including the 27.5-30.0 GHz range. LQP thus has a significant interest in the Commission's proposed redesignation of the 27.5-29.5 GHz band, and its proposed reallocation of the 29.5-30.0 GHz band.

Because of the uncertainty as to which frequency bands will be allocated for non-geostationary MSS feeder links at the upcoming WRC-95, and ultimately, the number of non-geostationary MSS systems that may be required to operate feeder links in the 28 GHz band, LQP urges the Commission to defer final action in the instant proceeding until the conclusion of that conference. Only at that time will the United States have sufficient information to assess the need for spectrum in the 28 GHz range for non-geostationary MSS feeder links.

I. The Commission's Proposed Allocation for Non-Geostationary MSS Feeder links in the 28 GHz Band Is Premature

The Commission should defer action in the domestic 28 GHz rulemaking until the conclusion of WRC-95. Only at that time will the Commission have sufficient information to determine whether the spectrum proposed for allocation in the Third Notice for non-geostationary MSS feeder links, along with other allocations made at WRC-95, will fulfill the requirements of U.S. systems.

Deferring action in the instant proceeding would assure that to all U.S.-licensed non-geostationary MSS systems, such as GLOBALSTAR, as well as pending U.S. MSS applicants, will receive equitable treatment with regard to

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[3] See Preparation for International Telecommunication Union World Radiocommunication Conferences, (WRC-95 Report), IC Docket No. 94-31, FCC 95-256, released June 15, 1995, at paras. 49-51, and Appendix 1, Section C, pages 2-5; United States Proposals for the 1995 World Radiocommunication Conference, at 163-64, 170-72 (July 11, 1995).

assignment of feeder link spectrum. Waiting until the conclusion of WRC-95 would be consistent with the Commission's decision, in its order establishing licensing and service rules for MSS above 1 GHz systems, that:

> [U]ntil we are certain that the feeder link requirements of all qualified applicants will be met, we will not foreclose our options by assigning spectrum unconditionally....We envision granting unconditional licenses, including specific feeder link frequencies, at the earlier of two events: (1) domestic allocations sufficient to support all Big LEO systems are available, regardless of frequency band or (2) the completion of the upcoming World Radio Conference in the Fall of 1995 (WRC-95) assuming sufficient spectrum is made available to satisfy these feeder link requirements.[4]

Moreover, in proposing establishment of the 28 GHz Negotiated Rulemaking as well as in its Notice of Proposed Rulemaking with regard to the licensing of the MSS above 1 GHz systems, the Commission expressed the belief that it would be able to accommodate all the feeder link requirements of all MSS above 1 GHz licensees in the 20/30 GHz bands.[5] Even though LQP requested the Commission to reconsider this preliminary conclusion, the Commission has not, prior to the Third Notice, revised this tentative conclusion. Now, in the context of a complex and broad rulemaking, involving numerous telecommunications services and parties, the Commission proposes redesignation and reallocation of spectrum in a manner which could accommodate no more than two systems in the 28 GHz band.[6] The Commission concedes that its allocation for non-geostationary MSS feeder links is subject to several limitations and contingencies: (1) it would accommodate no more than two systems; (2) it could require "reverse band working" in the 19.4-19.7 GHz band, which has not yet been demonstrated feasible

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[4] In the Matter of Amendment of the Commission's Rules to Establish Rules and Policies Pertaining to a Mobile Satellite Service in the 1610-1626.5/2483.5-2500 MHz Frequency Bands, 9 FCC Rcd 5936(1994) at para. 166.

[5] Second LMDS NPRM, at para. 22.

[6] Third Notice, at para. 59.

in this frequency band, and (3) it would require the use of various sharing techniques, including time sharing and geographic diversity which also have not been validated for this frequency band.[7]

The Commission itself acknowledges, within the Third Notice, that decisions at WRC-95 "could affect the ability to implement the plan" concerning 28 GHz.[8]

LQP submits that, because of the impact of the decisions of WRC-95 on both the availability of feeder links for non-geostationary MSS systems as well as the implementation of the Commission's proposed plan for 28 GHz, the wisest course is to defer further action in this proceeding until the conclusion of WRC-95.

Deferring action in this proceeding would also serve the beneficial objective of indicating to other administrations that the U.S. plans to consider the actions of WRC-95 prior to adopting significant domestic allocations which affect services which are global in scope.

II. Conclusion

Sufficient allocations must be made at WRC-95 to accommodate the feeder link requirements of all U.S.-licensed and qualified non-geostationary MSS systems prior to further action in this proceeding with regard to redesignation of the 28 GHz band. Moreover, additional information should be gathered concerning the ability of feeder links to operate co-frequency at 28 GHz. For these reasons, and as discussed above, the Commission must defer action on the Third Notice until the conclusion of WRC-95.

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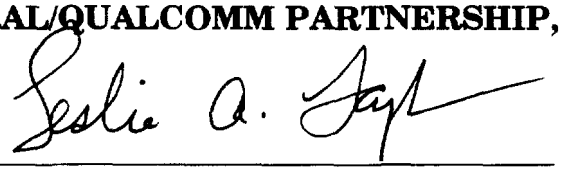
[7] Id.

[8] Supra, at para. 66.

Respectfully submitted,

**LORAL/QUALCOMM PARTNERSHIP, L.P.**

By: 

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## CERTIFICATE OF SERVICE

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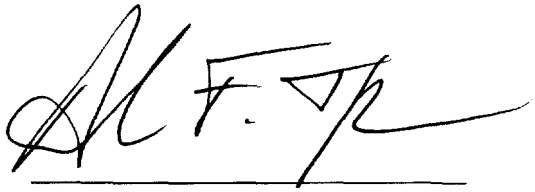

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